

FILED
SCRANTONWilliam Cummings
Plaintiff

OCT 25 2022

Civ. Action No. 1:22-cv-01119

Amended Complaint

A. Weller, et al

PER [Signature]
DEPUTY CLERK

- ① Plaintiff is an inmate at State Correctional Institution at Frackville, PA (Frackville), in the Pennsylvania Dept. of Corrections.
- ② This is a civil action authorized by 42 USC 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 USC 2201 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 USC 2201 and 2202 and injunctive relief under 28 USC 2283 & 2284. This is an appropriate venue under 28 USC 1343(b)(2) because it is where the events giving rise to this claim occurred.
- ③ Each Defendant is sued individually and in their official capacity. Equitable tolling principles is applicable here because the prison officials prevented and obstructed the Plaintiff from completing the grievance process and misconduct appeals process for all and any claims in this action. Plaintiff in fact filed grievance on all claims in this action and appealed all misconduct, properly, and Plaintiff was ignored and intimidated, regarding any and all claims in this action. Please see ~~Sides v. Beard, et al, Civ. Action No. 04-cv-1349~~ Pearson v. Secretary of Corrections, et al, US THIRD CIR. CT. OF APPEALS Case No. 13-1412, DATE FILED: 11/07/2015. For equitable tolling principles and Downey v. O.O.C., 968 F.3d 299, for exceptions to mandatory exhaustion requirements. The holdings in Downey apply here as well to this action.
- ④ All Defendants are named throughout this complaint. Each Defendant was told about each claim in this complaint, personally by the Plaintiff and refused to stop the conduct, behavior, each Defendant encouraged said behavior and conduct, and purposely created the conditions the Plaintiff is and was subjected to, they conspired to violate the Plaintiff's 1st, 8th, and 14th Amendment rights to the US Constitution of the United States, individually and in concert as a group. These defendants are all responsible for Plaintiff.
- ⑤ Plaintiff's ~~requests~~ ^{relief}: punitive and compensatory damages in the amount a jury deems fit to deter any future behavior and for what Plaintiff has been through; \$350 dollar for any and all time spent in the RHU for each day Plaintiff spent therein on disciplinary custody status or administrative custody status and an cell restriction; a jury trial for all claims; any and all misconduct reports expunged from Plaintiff's prison record;
- ⑥ The Plaintiff including but not limited to all and any misconduct reports lodged against him and approved to be ~~served~~ ^{served} by Defendants, W. Purnell, K. BLY, P. MOSER

and John Doe 1, must be ~~at~~ expunged because these Defendants violated the Plaintiff's ~~1st~~ rights by not following Policy where it states: DC-ADM 801 section 1.B, paragraph 4, b. the repeated overuse of the RHU on the Plaintiff for misconduct charges #26 to 52; and the repeated overuse of pre-hearing Confinement DC-ADM 801 section 1.E; Plaintiff is routinely put on pre-hearing confinement; DC-ADM 801 section 1.C, paragraphs 1, and 2, and 3. Plaintiff is on the mental health roster (active), is a C-stability code active on the mental health roster and because of this the Defendants above constantly approve misconducts lodged against the Plaintiff, BLY, PURNELL, and MOSER on several occasions in 2018, thru 2022 has told Plaintiff, "we own you, you're crazy, just because it's you, we send you to the RHU."

⑦ The misconduct reporters at Frackville all violate DC-ADM 801 by ~~refuse~~^{refusing} to not file a misconduct report when the Plaintiff is experiencing mental health crisis, which is on any and all misconduct reports issued at Frackville From March 2018 thru October 2022 including but not limited to misconduct numbers: 0005684; D571875; D571854; D776506; D546070; D521444; D571673; D633544; D521813; D521712; D521813; D379996; D376582; D390169; D379971; D291994; D521733; D376007; D521712; D353546; D353133; D776928; D776911; D216471; D291738; D273645; D216267; D353133; D291138; D376582; D379971; D571875; D776928; D216267; D353546, Plaintiff was actively suicidal on any and all misconducts prior to there being issued, this was told to these Defendants, but they all refused to follow the directives in policy DC-ADM 801 section 1.C, paragraphs 1 thru 3, and not in one misconduct report or incident report was the Plaintiff written up for assaultive behavior. These Defendants all lied on any and all misconduct reports, these Defendants are: N. Cintron; S. Cillo; J. Tedesco; D. CRISANTE; S. KENNEDY; ~~ESH~~ C. SCHULTZ; RALPH LYNN; B. CRESS; V. BLOMMEL; R. MORRIS; C.O. LEIBY; A. WELLER; C.O. SMOLKE; COZ CHEHOVICH; S. ALLEN; N. WEIKEL; K. HANSELL; ~~STORM~~ J. STORM; S. SMITH; J. MAUL; M. ZULKOWSKI; C.O.T. BROBST; CO2 MACKY; CO3 TAYLOR; E.O. LUCAS; D. WARREN; S. THOMPSON. Plaintiff was actively suicidal on any and all misconducts at SC-Frackville, and these Defendants knew it and disregarded the Plaintiff's rights and issued a False misconduct. On most of the False misconducts issued on that same day, the Plaintiff was processed into the RHU for suicidal ideation, or already in the P.O.C. for suicidal ideation, but these Defendants as well as the Defendants in paragraph 6, approved and issued False misconducts. All and any misconduct that correspond to the admission of the Plaintiff to the P.O.C. will show this fact. Plaintiff was suicidal prior to the incident/misconduct report, this is deliberate indifference, torture, etc.

⑧ The Defendants who issued the False misconducts in paragraph 7, ~~to these~~ and 6, these Defendants subjected Plaintiff to atypical and significant hardships such as: no phone usage in the RHU; only three showers a week; no commissary food;

a strip search prior to leaving your cell in the morning in a 23 hour a day sometimes, 24 hours, total confinement, among other restrictions. These conditions are not normal in general population. Plaintiff had anxiety attacks, major depression, loss of sleep, loss of weight, ~~nerve~~ ^{Furthering Plaintiff's} suicidal ideation, Plaintiff cried a lot.

⑨ the defendants who found guilt of the plaintiff, the hearing examiners, forced Plaintiff into the conditions of confinement that were atypical and causing the significant hardship are: John Doe 1-10; ^{S. WIGGINS} TRACY WILLIAMS; T. WALTER; J. DUPONT; Z. MOSLAK; K. CROSS; D. WEIDERTHOLD; C. COLLINS; Hearing Examiner Santelli. These defendants also refused to give Plaintiff a fair hearing and the only evidence presented at each misconduct hearing was the misconduct only; no witnesses were called in available video evidence was allowed; the recording of the Plaintiff's testimony was purposely edited and not recorded accurately; Plaintiff's appeals were purposely sabotaged; Plaintiff submitted any and all inmate versions and witness forms but they were never at the hearing, these defendants purposely sabotaged them and threw them away and as the hearing room officer C.O. KENTON is responsible for these documents and they rarely if ever make it to the hearing because KENTON sabotages the process. Plaintiff has heard KENTON say and state, "Cummings will almost always have his forms lost, I make sure of it." I've heard him say this numerous times, because Plaintiff has had to file PREA complaints on KENTON, for sexual harassment. KENTON grabs Plaintiff's penis, brushes it, every time he'd done a pat search on Plaintiff prior to the hearing and KENTON is retaliating by sabotaging the hearing. MOSLAK is legally responsible for all the due process violations with regards to any and all misconduct hearings Plaintiff has had in the Dept. of Corrections and has the authority to examine each misconduct, from January 2007 to October 2022 and for upholding all the unconstitutional and constitutionally flawed hearings in that time frame, and in fact, any and all misconduct hearings ~~were~~ the Plaintiff has attended were unconstitutional and constitutionally flawed, where guilt were found, and because of this Plaintiff continues to irreparably injured, especially now where Plaintiff has a commutation application pending in the Pennsylvania Board of Pardons, application number 156492 and Board of Pardons Number: C-10708. Each defendant in this complaint irreparably injured the Plaintiff because in fact Plaintiff is a prisoner who has a life sentence without the possibility of parole and the only way to be released is by a Pardon, and to have the Board of Pardons evaluate his application with unconstitutional misconduct and to see constitutionally flawed misconduct hearing sanctions of guilt on the Plaintiff's record, clearly injured Plaintiff. At a right, Plaintiff should not be evaluated

by the Board with any negative entries in his prison record, that is, there unconstitutional. This fact gives Plaintiff extreme depression, sadness, Plaintiff cries constantly, barely sleeps because of this. Pursuant to *BURNS v. D.O.C.*, 642 F.3d 163, with the above facts stated in this paragraph 6 and 7, the misconduct must be expunged. Attached as exhibit "A" Plaintiff shows all the unconstitutional conduct at the hearings from Frackville, several misconduct reports, misconduct appeals and general misconduct documents. You see Plaintiff is constantly and unconstitutionally denied on all his appeal issues, them on all of the issues, when Plaintiff appeals, they're ignored. The defendants in paragraph 7, filed misconducts because Plaintiff filed grievance against their colleagues at Frackville and this is pure retaliation, and Plaintiff has filed grievance from March 2018 till thru October 2022. And all misconducts ever written against the Plaintiff were retaliation as well, from prior to Plaintiff being housed at Frackville, starting from January 2007 thru March 2022. As stated in, *Woodson v. Scott Paper Co.*, 109 F.3d 913, 920 (3d Cir. 1997), "the mere passage of time is not legally conclusive proof against retaliation." Plaintiff tries to exhaust any and all claims, but these defendants always sabotage it. Please note the exhibits Plaintiff provides are documents staff haven't stolen or taken.

⑩ Defendant WEGRZYNOWICZ purposely miscalculated my Plaintiff's DC time and began to start and stop DC sanction time. Received 7 misconducts from June ~~2022~~²⁰²¹ to January 2022. IF the misconducts would be calculated correctly the start and stop times for them would read as follows: misconduct (MC) D633544 begins on 6/16/21 ends 7/15/21; MC D521444 7/15/21 to 9/12/21; MC D571854 9/12/21 to 10/11/21; MC D571673 10/11/21 to 11/9/21; MC D005684 11/9/21 to 11/23/21; D571875 11/23/21 to 1/21/22; MC D596070 1/21/22 to 2/19/22. WEGRZYNOWICZ let a whole day lapse, then started the consecutive misconduct, so instead of getting out of the RHU on 2/19/22, Plaintiff was released on approximately March 24, 2022, due to WEGRZYNOWICZ's retaliation. When calculating consecutive misconduct start times, when one stop, the next is to start the same day. Plaintiff was forced to be in the same conditions as stated in paragraph 8 furthering atypical and significant hardship. This was filed as a grievance but ~~rejection~~ rejected, grievance number 967203, and Plaintiff followed the directive of the rejection instruction, but Plaintiff was ignored. See BxH.B For how to calculate.

⑪ From 11/29/21 to 12/4/21 Plaintiff was housed in 3B1 (POC) and that cell was covered in feces; Plaintiff was denied a tooth brush, tooth paste; the cell covered with bugs, ants, spiders; the light was kept off for 144 hours (The Defendants are responsible for the conditions, WEGRZYNOWICZ, as well)

he straight, an industrial size light not the night light. Plaintiff was provided no linen, no secure blanket only a smock, no jumpsuit, against DC-ADM 13.8.1. Plaintiff was on hand held camera orders with all interactions with staff and Plaintiff requested via grievance that all Footage be preserved for court regarding this incident. Plaintiff begged the Defendants for a blanket because he was freezing cold and these Defendants refused the blanket. The Defendants are: COs MEYERS, CLAWSON, J. GUTIERREZ, P. FERGUSON, J. TEDESCO, J. SIMPSON, and D. MAUL.

⑫ Plaintiff was denied entry into the mental health unit because he was suicidal and because of this he was put on "step-down" program and not sent to the MHU after the mandatory admission for a prisoner being in the POC for 72 hours with suicidal ideation, denied by John Doe II.

⑬ From 12/30/21 to 1/3/21 Plaintiff was housed in the POC and his cell was covered in feces; Plaintiff was denied a tooth brush, tooth paste; the cell covered with bugs, ants, spiders; the light was kept on for 4 days; Plaintiff denied showers; Plaintiff was denied entry into the MHU after being suicidal for more than ~~24 hours~~ 72 hours; no blanket was provided as Plaintiff begged these Defendants for it, and told them he was freezing, only a smock provided and not a jumpsuit. The Defendants responsible for these ~~sanitary~~ conditions are: THERESA MASON; K. BLY; P. MOSER; W. PURNELL; CO3 BIDEM; CO2 CO3 SIMPSON; CO3 SCHREFFLER; J. TEDESCO; CO DRUM; J. GUTIERREZ; D. MAUL; P. FERGUSON; ^{CO. 1} BRENNAN; CHAD YORDY; J. KIMMEL; J. STORM; A. WALTER; C.O. FRANCIS. BLY, MOSER, and PURNELL are shift commanders and saw Plaintiff in these conditions and did absolutely nothing to help him, signed the "log book" and kept Plaintiff as is, they are ultimately responsible as well as these the other Defendants because they are the prison supervisors. This is the theme for these Defendants throughout their entire action, these Defendants know and knew of all the 1st, 8th, and 14th Amendment violations, signed the "log books", seen Plaintiff's conditions, read the grievance, approved the bogus misconducts.

⑭ On 12/29/21 Plaintiff, while in the MHU at 7:24 pm, Defendant A. WALTER, escorted Plaintiff from shower, and I told him, don't touch me, but on video I say, Walter pinched my wrist (right wrist) with the cuffs and put them on extremely tight, causing bruise. WALTER also

grabbed my left bicep extremely hard, causing me extreme pain, I for on video, plaintiff requested the video to be preserved. He did it to be sadistic.

(14)¹⁴ On 12/29/21 Defendant ~~Mr~~ J. KIMMEL sprays inmate Schaffer in EB16 cell, and refuses to call medical for plaintiff, who is in EB14 cell, approximately 20 feet away, shut off the air circulation, and began ~~laughing~~ laughing, defendant WALTER and J. STORM, as well. These defendant began laughing and teasing the plaintiff because the OC spray began choking plaintiff, my eyes were burning, my skin, I began vomiting, then ~~for~~ defendant AMBER STAHLER refused to render treatment when she came by with medication, and on camera told plaintiff to fill out a sick call. Plaintiff received a COVID 19 booster shot and because of the OC spray felt like he'd had a heart attack, couldn't breathe, all night. This refusal was done to be sadistic, and they'd all laughed. Video asked preserve

(14)¹⁴ On 11/19/21 at approximately 4pm, coming back from the shower ~~Mr~~ Defendant M. WALTON grabbed my bicep extremely hard, and I told him he didn't need to do that, the cuffs were already on extremely tight, then I get back to EB 1005, either defendant STORM or WALTON, grabbed the tether and yanked it ~~ex-~~ ~~remely~~ hard and ~~yanked~~ hurt my ~~to~~ left wrist, causing extreme pain to shoot through my entire body. I call CO2 D. KRAYNIAK, and ask pictures be taken for the excessive force, and B. THOMAS and C.O. FREY, take them, of my bruised left hand. WALTON and STORM did this to be sadistic. I was given a pain reliever by CHAD TOROY. I requested the video be preserved.

(15) Defendants HEFFELFINGER, CONQUEST, AND C.J. WARFORD serve plaintiff cold food while he'd been in BA1001. ~~They'd screamed WARFORD screams "we own you"~~ After they been screams insults, threats, and deplorable things all day on 12/23/20.

(16) On 12/24/20 while housed in on BA 1001, Defendant Robert CRESS tells me, "you stroke." then when leaving says, "I'll make sure your food is cold," and all three meals were served cold to me.

(17) On 2/18/22, while in the RTHU, plaintiff was refused a COVID 19 phone by defendant WEGRZYNOWICZ, MANTZ, SIMPSON, SCHICKRAM. WEGRZYNOWICZ tells me I received a misconduct for not strip searching, which is a lie. I never received a misconduct for that, not only did I get denied the call, my food was served cold by them as well. Its all retaliation for the lawsuit and grievance. SCHICKRAM and MANTZ had been sexually harassing me all day. This is grievance No. 9 69115.

- (18) Defendant MOSER refuses to listen to Plaintiff and bully Plaintiff when he tells him that staff members stole copies of his grievance and evidence, and Defendant B. McMULLIN was harassing and threatening Plaintiff and this grievance is number 775372. MOSER refuses to investigate the Plaintiff's claims and lies in his response, the response date 12/18/2018.
- (19) On 7/16/19 Defendants FERGUSON and BLOMMEL refuse to feed Plaintiff a noon meal and night meal, in retaliation for grievance, and for Plaintiff asking for help while in the POC. And on 7/14/19 BLOMMEL solicited suicide while Plaintiff was on suicide watch, and he put up a sign that stated "KILL YOURSELF" and I kept trying. This is on grievance no. 813248.
- (20) On 1/9/19 ^{to 2/10/19} ~~COs LOSER, WELLS~~ DEFENDANTS C. LOSER, A. WELLER, S. THOMPSON, C.O. ISAAC, ~~scream all day~~ R. LYNN, C.O. RENO, CO2 SCARPETT SCARPATTI, CO2 MAINES, C. SCHULTZ, C. NARADKO, ~~AB~~ B. McMULLIN, D. COOK, while on C Block B-wing 1 cell, Plaintiff asked the Defendants to fix the black mold that was coming in the air ventilation system in that cell, in the shower and sink, because the smell in the vent began making Plaintiff sick, Plaintiff would vomit, cough, lose sleep, have diarrhea, get puss bumps that are extremely painful, they also say things about having anal sex with my underage special needs daughter, they'd say, leave, bitch, nigger, we starve you, you'll have hair in your food, we clown you, among the pattern of other things they scream in the grievance filed around this time, I provide when I get them. My food was served cold to me at the chow hall as well. MAINES was arrested for sex crimes.
- (21) On 6/10/18 to 6/14/18 Defendants CO2 KODACK, CO2 APPELGATE, CO CHANDLER, M. WERT, CO ERDMAN, while housed on A-block asked these to fix the black mold that was in the air ventilation system, in the shower and sink because Plaintiff became sick, vomiting, coughing constantly, have diarrhea, get puss bumps, just like in paragraph 20, the Defendants would ignore the Plaintiff and then say things like: you big dick, we fist Brandee and Zoey (put his fist in my underage daughter's vagina), you nut up, you'll be stroking your dick, Defendant KENNEDY (S. KENNEDY) would do the same things, the pattern of the things they scream are on the grievance I filed around this time, I'll show at trial. When I went to the chow hall on these days there would be hair in my food and it'd be served cold, like KODACK told me on approximately 6/10/18, "your food will be cold and have hair in it all three." And "all three" meals were cold with hair in it.

(22) On 1/14/22 while in the KIU, on BC 2005 cell, Defendant Carlos MONTAÑA

served plaintiff a tray with a dead bug in the salad. He ~~starved me that day as well, no~~ this was on grievance 878438. plaintiff later found out MONTAÑA put it there on purpose to send plaintiff a message for filing grievance, and all meals were served cold to plaintiff by MONTAÑA, purposely to cause harm.

(23) On 2/16/22 while in the KIU, EB 1012, DEFENDANT S. SMITH, begins harassing plaintiff, and after plaintiff tells her he doesn't want to talk, plaintiff becomes suicidal, she refuses to call the POC and admit him, and Defendant SIMPSON screams "you're not going anywhere," using a female voice. They later tell me my food will be cold, and it was. This is grievance number 968539.

(24) On 6/2/22 Defendant MACKAY, while on A-block B-wing 1 cell, screams, prior to me getting my legal mail, "Cummins, we will burn you..." and later that date "we'll serve you cold food, all day!" All three were cold.

(25) On 6/23/22 at approximately 725pm, Defendant M. ZULKOWSKI stared at plaintiff naked in his cell, AB 1 cell, then moaned. And earlier serving his meal it was purposely served cold. Earlier that day, ZULKOWSKI issued plaintiff a false misconduct, and waited for plaintiff to shower, because that misconduct stated plaintiff put up a curtain. Then plaintiff was warned that if a PREA allegation was filed, it would be "unfounded", so the investigating staff member can issue plaintiff a misconduct, like Defendant CILLO did, who purposely issued the misconduct, who didn't investigate misconduct D571854 and D571673 and bullied plaintiff, tried to speak to him in the bay area in front of several officers and when plaintiff asked to be more confidential and in a private space, CILLO refused so plaintiff requests to leave the interview, and later received two misconducts. This is grievance no. 986093

(26) On 5/20/22 to 6/15/22 DEFENDANTS MEYERS (COMMEYERS), C.O. LINDSEY, CO2 C.J. WARFORD, CO WINK, CO2 CONQUEST, J. STORM, M. ZULKOWSKI, C.O. ERBE, R. CRAGLE, CO2 BRUTTS, CO RENNINGER, C. NARADKO, J. SCHICKRAM, C.O. MANTZ, CO2 MACKAY, V. BLOMMEL, S. THOMPSON, C.O. PAULSHOCK, C.O. BRILLA, C.O. LARKEN, A. WELLER, W. WINRICH, J. MAUL, C.O. DEVER, C.O. ENGLISH, C.O. BOYER, T. RYAN, T. ROSSACHACY while housed on A-block B-wing 1 cell asked these defendants to fix the black mold that's in the air ventilation system, in the shower, and sink because plaintiff becomes sick, vomiting, coughing constantly, have diarrhea, get painful puss bumps, they'd ignore plaintiff and laugh, the smell cause this as well. These defendants would then say things in the same pattern as all of other defendants like: you sue rookie, your dick's huge, I kill you, we own you, you die. Plaintiff will show the pattern of this on the grievance filed on A-block in this time frame regarding the verbal harassment.

27) THE vents to the heating and cooling systems in the RTH and in general population, and BMU/POC, are not regularly cleaned. As a result, the heating and cooling system blows dust, dirt and other particles, into the cells, covering the cell floors and walls in a dusty film. Inhaling the particles blown from the cell vents has caused plaintiff to suffer bloody noses, headaches, and depression, anxiety, sleep deprivation as well as exacerbation of plaintiff's mental health condition. Defendants BLU, MOSER, PURNELL, WEGZYNOWICZ, J. CONNOLLY, D. COOK, J. SIMPSON, COZ KOPACK, R. KRAMER, D. HUGHES, S. BARRATT, B. MCMULLIN, D. MCCOY, ^{C.O. MINICH} ^{CO HASHAGEN} ^{C.O. REIDER, COWEN} ^{CO STANKAVAGE} C. LOSER, R. MORRIS, ^{CO T. JAY} MAINES, ^{C.O. NOWAKOSKI} ^{CO T. GRIFFITHS} ^{CO T. HOLZMAN} ^{CO T. OTERO} ^{COZ MACKY} C.O. CHANDLER, C.O. ERDMAN, ^{CO MCPHEAK} ^{COZ REED} MR. POLIFKA, MR. JONES, ^{MR. RO} ^{M. WERT} ^{COZ JOSEPH PURCELL} ^{COZ HOLZMAN} ^{J. RENO, Sr.} T. RYAN, C.O. EBERT, C.O. FRANCIS, COZ PRICE, CO KNOTT, J. MACKY, CO DEVER, COZ WAGNER, COZ MURRAY, COZ O'DAY, UNIT MANAGER WEISINGER, From MARCH 2018 til present October 2022, all refused to change these conditions and on a constant basis conspired to have hair put in the Plaintiff food, and grievance throughout the time frame will show this pattern, its a continuing thing, COZ KALCE, ^{C.O. SUTADE} CO POWERS, also.

28) On 10/4/18 to 2/6/19, DEFENDANTS, D. COOK, A. COOK, C.O. MCPHEAK, C.O. CRANKFIELD, RENO, Sr., D. MCCOY, D. EVANS, GUTIERREZ, C. SCHULTZ, C. LOSER, C. TROUTMAN, STANKAVAGE, MCMULLIN, D. WARREN, R. LYNN, B. LAWTON, C.O. NOWAKOSKI, T. BRANDON, K. MAINES, while on various housing units asked these defendants to fix the black mold that is in the air ventilation system, in the shower, and sink because Plaintiff became sick, vomiting, coughing constantly, have diarrhea, get painful puss bump, these defendants ignored the plaintiff and say things such as: you not un, we bully you, we poisoned you, we warned you, we own you, you fuck Zoey. Defendant Isaac would during this time, after plaintiff asked the black mold to be cleaned told me on 12/7/18, I Fuck Brandee and Zoey, you'll never get a hot meal in my jail, the hair in it will never stop.

29) On 8/23/22 to 8/25/22 DEFENDANTS: C.O. T. GRIFFITHS, WELLER, and KENNEDY all served Plaintiff cold food, all three meals each day were cold, purposely, and they'd scream sexually intensive stater such as: I ride you, your son's gay, you sued me, you grieved aint, Plaintiff also asked them to remove the black mold out of the ventilation, sink, and shower because Plaintiff becomes sick, vomits, the smell is overpowering, have diarrhea, get puss bumps, they'd make the above comments, WELLER then trashed A B 1 cell, to drive home the point and stole a clothing line, without providing Plaintiff with a confiscated items receipt.

30) From June 2021 to MARCH 2022 DEFENDANTS: E.D. WARFORD, J. MAUL, COZ SMOLKE, B. CRESS, STORM, J. KIMMEL, M. WATSON, N. FORTE, A. WALTER, while Plaintiff was on E-block in the RTH refused Plaintiff, showers, bedding, laundry services

while plaintiff was housed in 12, 14, 15, and 36. ~~10/25/22~~ and not one time was plaintiff served a hot meal, on purpose, they'd all wait until my food was cold, then serve me.

③1 ~~DEFENDANT~~ C.J. WARFORD served plaintiff cold eggs and grits, purposely, then admitted he helped defendant C.O.T. BROBST lie to get the plaintiff to the RHU on 9/4/22, misconduct number D 775 045, WARFORD admitted this on 9/24/22.

③2 these events happened in the RHU on E-block B-side, the defendants named served the plaintiff cold food purposely, sometimes with hair in it, the Defendants, food served cold, and days are as follows: C. TROUTMAN, D. WARREN, WALTER, Fish and Rice, oat meal, and meat sauce; 9/16/22 J. Purcell meat sauce; 10/10/22 A. BRENNAN, yelled and told me, "your food gonna be cold, leave" and it was all three meals; 9/24/22 Z. KRAYNIAK PIZZA and Beans; 4/29/17/22 MANTZ PANCAKES; 10/8/22 CHENOVICH, FEILING, W. KNAPPEN-BERGER (told me my meal would be served cold and they were) APPALACIAN STEW, HAIR was on my bread, EGGS and Grits; 9/25/22 HENNINGSEN, GRAGLE, R. CRAGLE D. EVANS, MASH POTATOES, EGGS, GRITS, CHICKEN FRIED STEAK; 9/26/22 MANTZ, K. HAN-SELL (she tell me, no hot food for you, you fucked her), HENNINGSEN, NOWAKOSKI, STORM, chilli and rice, chicken patty and potatoes; 9/27/22 NURSE CATHY (she screams stop crying about your cold food, accept it, die) ~~POT~~ T. ROSSACHACY, MANTZ, HENNINGSEN, NOWAKOSKI, WALTON, STORM, POT PIE, STRING BEANS, OATMEAL; 9/28/22 COEBERT, C. DELBO, TROUTMAN, J. MAUL, WALTER, WALTON, HOT DOGS, BEANS, EGGS AND GRITS, STIR FRY and RICE; 9/29/22 RENO, Jr., WARFORD, TROUTMAN, DELBO, KIMMEL, WALTER, WALTON, J. MAUL, VEAL and mash potatoes, PIZZA and BEANS, S. SMITH; 9/18/22 T. NAJDA served me cold food; 9/30/22 RENO, Jr., COFRANCIS, WARFORD, SMITH, NOWAKOSKI, TROUTMAN, STORM, WALTER, FORTE, GRITS, RICE, BEANS, CHICKEN; 10/1/22 JOHN DOE 3rd Shift officer from 9/30/22 into 10/1/22 screams while doing rounds, not only does he talk shit, you'll never get a hot meal in my jail, leave! B. MCDEMUS, DELBO, TROUTMAN, NOWAKOSKI, NURSE CATHY (she screams you hate me, I hate you with hot food) PANCAKES MEAT SAUCE; 10/2/22 MCDEMUS Grits and EGGS; 10/4/22 C.O.T. OTERO, PIZZA, RICE and SOY; 10/5/22 OTERO, CATHY, MR. RO (stop crying, he screams) RICE, meat, beans; 10/7/22 C.O. FEILING, COB SIMPSON, COLAWRENCE, FISH and RICE, Oatmeal and meat sauce; 10/6/22 FEILING Sloppy Jo, potatoes, ground beef, noodle and beans; 10/10/22 FEILING gives me a tray with hair in the bread and FORTE screams "you found it, uh"; 10/11/22 hair in my cream of wheat BRENNAN screams, I eat the hair. Plaintiff was on orders that made mandatory all interactions between staff and Plaintiff was to be recorded. Plaintiff would receive the cold food, see the hair, file the grievances, and requested all videos preserved. These Defendants also verbally harass plaintiff its all stated in the grievances.

Case 1:22-cv-01119-MEM Document 16 Filed 10/25/22 Page 11 of 14

33) Defendant Donahue assigned Smith to fill out and evaluate an inmate who is assigned to her in the RTHU purposefully, violating the DC-ADM 801 directives. No PSS is to fill out a 1c Form (that is part of the misconduct) for an inmate on her assigned list or block, but Donahue does make Smith do it, and she knew she is not suppose to. John Doe¹¹⁻²⁰, HANSELL, CRISTANTE, have all done this from March 2018 til present day, and from January 2007 to March 2018 since Plaintiff has been active on the mental health roster. This is a due process violation, Plaintiff has been violated regarding due process from January 2007 to October 2022.

34) Frackville refuses to place a typewriter in the RTHU. This issue has been a major one, since March 2018 til present October 2022. The RTHU and RTHU Annex hasn't had a typewriter, severely limiting Plaintiff's access to court, because at Frackville, CO Troutman (SGT) refuses to provide pens to Plaintiff after his initial issue, and when the ink runs out, "to bad" as Troutman stated, several times. The law library in general population has a typewriter, word processor, and the like, but not the RTHU. This is done purposefully by staff to severely hurt and sabotage Plaintiff's access to court. Plaintiff asks this honorable court to enter judgment and order Frackville, the Defendant, to place typewriter and/or word processor in the RTHU, BMU, and RTHU Annex.

35) Plaintiff may have cancer, was given an ultrasound on the lump he has on his left rib cage. Plaintiff has a large lump that causes Plaintiff extreme pain, and no follow up was given on the ultrasound. Plaintiff asks the court to order the Defendants to have the lump removed immediately. Plaintiff has a foreign object in his middle finger on his right hand, that hurts constantly, and Plaintiff had an X-ray, and no follow. The object came from a surgery Plaintiff had at Grater-Ford in approximately 2013. The ultrasound was in approximately May 2022. The X-ray about the same time. Plaintiff is in serious pain daily because of this. The Defendants knew this, but refuse to help. DEFENDANTS MEGAN NEPAIR & Shelly Del Pais, John Doe 21

36) In the DOC Plaintiff is paying 17 dollars a month for cable services. If the Inmate General Welfare Fund pays for the cable equipment out of the Activities Department budget, cable is being paid for already, why is the D.O.C., these Defendants (John Doe, BLY, MOSER, PURNELL), allowing the business office to take money from my account for cable, that is being paid for by the IGWF? The cable service is being paid twice, once by Plaintiff and once by the IGWF. Why is the DOC paying the cable service provider twice, for only one service? Plaintiff requests this honorable court to order the Defendants to refund all the money paid (Defendant Mr. Jeff Hummel is a party to number 36, he works activities)

to any and all cable service providers, and make that so the checker for all inmates who've paid monies to the cable service provider.

(37) In approximately January 2020 Defendants: J. SCHICKRAM, Blommel, B. TESTEN, J. McCord, C.O. FOULDS, T. KOPINSKI, J. TEBESCO, C.O. RAMOS-LOPEZ, D. MCCOY, J. MAUL, D. MAUL, SIMPSON, VASQUEZ, GUTIERREZ, P. FER-GUSON, PURNELL, BLY, WINRICH, SCHADE (C.O.), H. POWERS, R. LYNN, COYBRO-ZOWSKI, MOSER, RENNINGER, C.O. WHITNEY, SCHULTZ, ~~NAOJA~~ NAJDA, C.O. GREGORY, C.O. MEREDITH, PURCELL, WALTON, WALTER, MUMULLIN, CLAWSON, BAEZ, BEACH, P. O'BOYLE, STORM, A. FISHER, KIMMEL, LOSER, J. SMUCKE, J. CONQUEST, S. THOMPSON, C.D. WARFORD, C.J. WARFORD, MORRIS, J. CONNOLLY, D. DRUM, A. WELLER, C.O. SADLER, WARREN, D. CRESS, BRENNAN, D. LUCAS, COZ APPELEGATE, COZ KEEP, STANKAVAGE, T. KYAN, R. KRAMER, D. HUGHES, LYNN, O'DAY, MEYER, MEYERS, C.O. GORNALL, COZ CHEHOVICH, CO ENGLISH, D. COOK, A. COOK, HEFFELFINGER, TROUTMAN, COZ TAYLOR, ZULKOWSKI, ROSSACHACY, COZ KALCE, MONTAYA, ~~EO~~ S. ALLEN, CO BRUTTS, CHANDLER, NARADKO, G. JAMISON, HOLZMAN, MCPETK, ~~RL~~ C.O. REIDER, MANTZ, COZ MANBECK, SCHARPATTI, BOYER, M. KUFR0, CO KUFR0, J. RENO, Z. KRAYNIAK, COZ EIDEM, CO WINK, ENGLISH, M. WERT, D. EVANS, CO CORBY, J. CARTER, K. HANSELL, ROSSACHACY, in 2018 thru 2022 when these Defendants were in the BMU posted, they all refused the Plaintiff a secure blanket, and only would provide the Plaintiff a smock, and not a jumpsuit, violating DC-BOM 13.8.1, these Defendants would refuse Plaintiff Food, skewers, soap, hygiene materials, to torture Plaintiff, see grievance numbers 847968, 863 076, 866 682, 866 804, 868 748, 868 755, 868 942, 870731, 791355, 820376. The denials cause Plaintiff to get puss bumps that were painful, he suicided, lose weight, be depressed, act out. Mice were in the POC/BMU as well. Defendants Dr. KORNÉ as well is a defendant.

(38) Please see *Burns v. DOC*, 642 F.3d 163; *Carey v. Piphus*, 435 U.S. 247 and *Wolf v. McDonnell*, 418 U.S. 534 for authority regarding the process of misconduct and why the Plaintiff's misconduct must be expunged from his record. DEFENDANTS: S. WIGGINS, T. WALTER, K. CROSS, MARY CANINO, C. MCKEOWN, J. DU PONT, LISA BARR, HEX NUNEZ, C. COLLINS, TRACY WILLIAMS, ~~THE~~ D. WEIDERTHOLD, AND JOHN DOE Hearing Officers, all knew they violated due process and may the misconduct hearings of the FO approximately misconduct report. They'd adjudicated and sanctioned Plaintiff to the RHU and cell restriction, when the only evidence presented at the constitutionally flawed hearing was exclusively the misconduct. The atypical and significant hardship they'd caused was Plaintiff only could shower 3 times a week, no use of phone, strip searched when leaving his cell every time, 23 hours a day in his cell sometimes 24, from January 2007 til October 2022.

(39) Defendants: SIMPSON, SCHICKRAM, BLOMMEL, BARATTA, DRUM, SOLONSKY,

SCHADE, POWERS, GUTIERREZ, VASQUEZ, CONQUEST, THOMPSON, WARREN, CONNOLLY, MOSER, BLY, J. MAUL, MCCOY, RAMOS-LOPEZ, J. TEDETLO, KOPINSKI, MEREDITH, NAJDA, C.D. WARFORD, and CJ WARFORD, all touched plaintiff's bare skin during a pat search when plaintiff was being processed into the BMU/POC for suicidal ideation, refused him showers, meals, tooth paste, tooth brush, From January 2019 thru December 2020, purposefully to deter plaintiff from going to the BMU/POC. Plaintiff requested all admission videos be preserved.

(40) No structure in the RHU, no programs, nothing but 10/10 timer, no mental health treatment for plaintiff. I've been put on a modified meal because of my constant suicidal and suicidal ideation by Defendants Smith and Donahue. Plaintiff has been teased by Smith stating plaintiff needs to keep his 'dick' in his pants and Donahue refuses plaintiff treatment stating 'no one's going to help you, because you throw shit, the mthv isn't going to take you like that.' These incident happened in approximately January 2022, and this is an ADA violation. This causes plaintiff to be suicidal and try to kill himself.

(41) In September 2022 HEFFELFINGER deploys OC spray on an inmate in EB 1024, refused to call the medical department for plaintiff, who was in EB 1012, approximately 20 feet away, when plaintiff begged him (HEFFELFINGER) to, because the OC spray caused plaintiff to vomit, cough, eye burn, skin burn, but staff only brought medical to see ERIC LEE and totally ignored plaintiff.

(42) In approximately November 2021 C.D. WARFORD deploys OC spray on two inmates in EB 1007, refused to call the medical department for plaintiff, who was in EB 1005, approximately 5 feet away, when plaintiff begged him (WARFORD) to, because the OC spray caused plaintiff to vomit, cough, eye burn, skin, but I was totally ignored by WARFORD.

(43) In approximately July 2021 PURCELL deploys OC spray on two inmates in EB 1020, refused to call the medical department for plaintiff, who was in EB 1010, approximately 20 feet directly across from the sprayed cell, when plaintiff begged him (PURCELL) to, because the OC spray caused plaintiff to vomit, cough, eye burn, skin burn, I was totally ignored.

(44) In approximately June 2021, DEFENDANT WERNER deploys OC spray into EB 1007, refused to call the medical department for plaintiff, who was in EB 1030, approximately 20 feet away, when plaintiff begged him (WERNER) to, because the OC spray caused plaintiff to vomit, cough, eye burn, skin burn, I was totally ignored.

(45) This document is made pursuant to the penalties of perjury. Respectfully Submitted
Wells

DATED: 10/17/22

William Comings GX8328
1111 Alhamont Blvd
Franklin, PA 17931
(Legal mail)

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